



May 16, 2017

VIA ECF

Honorable Gregory H. Woods
U.S. District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

Re: Johnson v. Interactive One, LLC; Civ. Action No. 1:16-cv-07204-GHW
Letter Motion to Continue

Dear Judge Woods:

My law firm represents Defendant Interactive One, LLC (“IONE”) in the above-captioned action. Pursuant to Rules 5.2 and 7.1 of the Local Rules of the U.S. District Court for the Southern District of New York, IONE, by and through its undersigned counsel, and with the consent of Plaintiff Eric Johnson (“Plaintiff”), hereby respectfully moves the Court for issuance of a 14-day continuance of the Court’s April 13, 2017 Order (Dkt. No. 49) (the “Order”) extending the deadline to May 26, 2017 for Plaintiff to apply for restoration of the case to the Court’s active calendar, or, alternatively, for the parties to submit a stipulation of settlement and dismissal.

The basis for this request is that the parties are very close to agreement on final terms of settlement. However, the parties do not anticipate that execution of a final settlement agreement, nor satisfaction of all conditions precedent to the filing of a joint stipulation of dismissal under the settlement agreement, will be completed by May 26, 2017.

Accordingly, in lieu of restoring this action to the Court’s active calendar, the parties respectfully ask that the Court continue the Order, for an additional 14 days, to effectuate settlement and file a joint stipulation of settlement and dismissal with prejudice, thereby making that deadline June 9, 2017. Should the Court deny this letter motion to continue, Plaintiff advises that he intends to apply for restoration of the action to the active calendar.

E-mail: Andrew.Zappia@leclairryan.com
Direct Phone: (585) 270-2102
Direct Fax: (585) 270-2162

70 Linden Oaks, Suite 210
Rochester, New York 14625
Phone: (585) 270-2100 \ Fax: (585) 270-2179

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This is the parties' second request for a continuance since Your Honor's March 28, 2017 Order (Dkt. No. 46) conditionally discontinuing this action. Plaintiff's counsel has consented to this request.

Respectfully submitted,

/s/ Andrew P. Zappia

Andrew P. Zappia

APZ:smf
cc Alexander Malbin, Esq.
Counsel for Plaintiff